



Iowa Board of Pharmacy

January 7-8, 2020 Minutes

The Iowa Board of Pharmacy met on January 7, 2020, in the conference room at 400 S.W. Eighth Street, Des Moines, Iowa.

Members Present

Jason Hansel, Chair
Edward McKenna, Vice-chair
Brett Barker
LaDonna Gratias
Gayle Mayer
Dane Nealson
Joan Skogstrom
Kathy Stone

Compliance Officers

Christie Carlson
Curt Gerhold
Sue Mears
Jean Rhodes
Jennifer Tiffany
Jim Wolfe

Staff Present

Andrew Funk, Executive Director
Therese Witkowski, Executive Officer
Mitch Barnett, Associate Director of PMP
Tessa Register, Assistant Attorney General
Amanda Woltz, Administrative Assistant

Compliance Officers Absent

Mark Mather
Dan Sedlacek

Call to Order

At 9:00 a.m., Jason Hansel, Chair, called the meeting of the Iowa Board of Pharmacy to order on Tuesday, January 7, 2020.

Administrative Hearing

2010-72 Kathy Simonton, CPhT, Registration 4159, Montezuma

At 9:06 a.m., Rachel Morgan, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Tessa Register represented the State. Ms. Simonton did appear in person without the representation of an attorney. The session was conducted in the presence of the Board and was closed to the public.

Motion by LaDonna Gratias to move to closed session with Dane Nealson seconding it. The motion was accepted by roll call vote.

At 10:33 a.m., the Board returned to open session.

Motion by Brett Barker, second by Dane Nealson, to direct Administrative Law Judge Morgan to draft the Order consistent with the Board's deliberation in the case 2010-72, Kathy Simonton. Motion passed unanimously.

2019-0049 Amanda Haugen, CPhT, Registration 17633, Forest City

At 10:45 a.m., Rachel Morgan, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Tessa Register represented the State. Ms. Haugen was not present, nor was represented by an attorney. The session was conducted in the presence of the Board and was open to the public.

The Board reviewed the materials presented and testimony from Compliance Officer Jean Rhodes.

Brett Barker moved at 11:20 a.m., to move to closed session with Dane Nealson seconding it. The motion was accepted by roll call vote.

At 11:31 a.m., the Board returned to open session.

Motion by Brett Barker, second by Dane Nealson, to direct Administrative Law Judge Morgan to draft the Order consistent with the Board's deliberation in the case 2019-0049, Amanda Haugen. Motion passed unanimously.

At 11:33 a.m., on a motion by Dane Nealson, seconded by Gayle Mayer, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Iowa Code chapter 17A; and pursuant to Iowa Code section 21.5(1)(h), to avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution, or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.

At 4:50 p.m., the Board returned to open session.

In open session the following actions were taken:

1. Closed Session Minutes

Motion by Dane Nealson, second by Gayle Mayer, to approve the Closed Session Minutes of the November 7-8, 2019, meeting as presented. Motion passed unanimously.

2. Close With No Further Action

Motion by Brett Barker, second by Gayle Mayer, to close with no further action the following investigative files in complaint numbers: 2019-0026, 2019-0105, 2019-0109, 2019-0212, 2019-0041, 2019-0066, 2019-0070, 2019-0079, 2019-0145, 2019-0164, 2019-0161, 2019-0196, 2019-0190, 2019-0191, 2019-0206, 2019-0138, 2019-0138. Motion passed unanimously

3. Close With No Further Action

Motion by Dane Nealson, second by Gayle Mayer, to close with no further action the following investigative files in complaint numbers: 2019-0166 and 2019-0198. Brett Barker abstained. Motion passed.

4. Administrative Warning

Motion by Brett Barker, second Dane Nealson, to issue an Administrative Warning to the pharmacy support person in 2019-0167. Jason Hansel recused. Motion passed.

5. Administrative Warning

Motion by Dane Nealson, second by LaDonna Gratias, to issue an Administrative Warning to the pharmacy in 2019-0199, to the pharmacy and pharmacist in 2019-0155 and the pharmacists in 2019-0176, 2019-0177, 2019-0178, 2019-0179, 2019-0180, 2019-0181, 2019-0182, 2019-0183, 2019-0184, 2019-0185, 2019-0186, 2019-0193, 2019-0194, 2019-0195. Motion passed unanimously.

6. Administrative Warning

Motion by Gayle Mayer, second by Dane Nealson, to issue an Administrative Warning to the pharmacist in charge in 2019-0045. Brett Barker abstained. Motion passed.

7. Letter of Education

Motion by Dane Nealson, second by LaDonna Gratias, to issue a Letter of Education to the registrant in 2019-0107. Motion passed unanimously.

8. Letter of Education

Motion by Dane Nealson, second by Gayle Mayer, to issue a Letter of Education to the pharmacist in charge in 2019-0127. Jason Hansel abstained. Motion passed.

9. Refer to IMP3

Motion by Brett Barker, second by Dane Nealson, to refer the technician in 2019-0146 to IMP3. Motion passed unanimously.

10. Probationary Appearances and Requests

Motion by Dane Nealson, second by Gayle Mayer, to release the licensee from the terms of their probation in case 2009-8 and 2009-35.

11. Combined Statement of Charges, Settlement Agreement, and Final Order

Motion by Brett Barker, seconded by Dane Nealson, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion passed unanimously.

- A. 2019-0091 Amber Lacina, ARNP, CSAR 5202742, Waterloo
- B. 2019-0100 Barbara Shields, DVM, CSAR 1511912, North Liberty
- C. 2019-0118 Peter Blodgett, DDS, CSAR 1417720, Decorah
- D. 2019-0124 Michael Bierie, DDS, CSAR 1418246, Dubuque
- E. 2019-0144 Mavadene Kennedy, CPhT Registration 19841, Keosauqua
- F. 2019-0148 Walgreens #910, License 276, Sioux City
- G. 2019-0151 Lewis Family Drug #59, License 868, Sioux Center
- H. 2019-0047 McKesson Drug Company, License 7987, Clear Lake

At 4:55 p.m., motion by Dane Nealson, seconded by Brett Barker, to adjourn. Motion passed unanimously.

Wednesday, January 8, 2020

Members Present

Jason Hansel, Chair
Edward McKenna, Vice-chair
Brett Barker
LaDonna Gratiias
Gayle Mayer
Dane Nealson
Joan Skogstrom
Kathy Stone

Compliance Officers

Christie Carlson
Curt Gerhold
Sue Mears
Jean Rhodes
Jennifer Tiffany
Jim Wolfe

Staff Present

Andrew Funk, Executive Director
Therese Witkowski, Executive Officer
Mitch Barnett, Associate Director of PMP
Tessa Register, Assistant Attorney General
Amanda Woltz, Administrative Assistant

Compliance Officers Absent

Mark Mather
Dan Sedlacek

Call to Order & Announcements

At 9:00 a.m., on Wednesday, January 8, 2020, Jason Hansel, Chair, called the meeting of the Iowa Board of Pharmacy to order

Public Comment Period

None

Approval of Minutes

The open session minutes of the November 5-6, 2019, Open Session Meeting were reviewed.

Motion by Brett Barker, second by Dane Nealson, to approve the Open Session Minutes of the November 5-6, 2019, meeting as presented. Motion passed unanimously.

Requests

1. Request to waive 657 IAC 4.6(3) to extend the term of intern registration – Rofaida Ali Abu Alfoul, Pharmacist-intern registration 6807, Cedar Rapids

Motion by Kathy Stone, second by Brett Barker, to approve an extension of the intern registration to August 5, 2020. Motion passed unanimously.

2. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Owens & Minor Distribution, License 8030, Grimes

Motion by Brett Barker, second by Dane Nealson, to approve the request to allow until June 30, 2020 for the wholesaler to become NCDQS accredited, which can be used in lieu of VAWD accreditation for the 2020 renewal.

3. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – GM Pharmaceuticals Inc, License 8047, Fort Worth, TX

Waiver request withdrawn by licensee.

4. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Reliance Wholesale Inc, License 6414, Collierville, TN

Motion by Brett Barker, second by Dane Nealson, to approve the request to allow until March 31, 2020 for the wholesaler to become NCDQS accredited, which can be used in lieu of VAWD accreditation for the 2020 renewal.

5. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Midwest Veterinary Supply Inc, License 5049, Des Moines

Waiver request withdrawn by licensee.

6. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Americares Foundation Inc, License 6654, Stamford, CT

Motion by Brett Barker, seconded by Dane Nealson, to approve the request until December 31, 2020, contingent upon receipt of recent home state inspection report and a VAWD exemption and attestation form. Motion passed unanimously.

7. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – National Distribution & Contracting Inc, License 6883, Lavergne, TN

Motion by Brett Barker, second by Dane Nealson, to approve the request to allow until March 31, 2020 for the wholesaler to become NCDQS accredited, which can be used in lieu of VAWD accreditation for the 2020 renewal.

8. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – DV Medical Supply Inc, License 7811, Gardena, CA

Motion by Joan Skogstrom, second by Dane Nealson, to deny the request. Motion passed unanimously.

9. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Advanced Pharmaceuticals LLC, License 8281, Ocean Springs, MS

Motion by Brett Barker, second by Dane Nealson, to approve the request to allow until March 31, 2020 for the wholesaler to become NCDQS accredited, which can be used in lieu of VAWD accreditation for the 2020 renewal.

10. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – Tri-Pharma, Inc, License 7506, Kennesaw, GA

Motion by Ed McKenna, second by Dane Nealson, to deny the request. Motion passed unanimously.

11. Request to waive 657 IAC 17.3(1)“c” requiring evidence of current verified-accredited wholesale distributors (VAWD) accreditation by the NABP – ZO Skin Health, Inc, Applicant, Omaha, NE

Motion by Brett Barker, second by Dane Nealson, to deny the request. Motion passed unanimously.

USP <800> Delayed Compliance Petitions

1. AmEx Pharmacy, License 3942, Melbourne, FL

Motion by Kathy Stone, second by Dane Nealson, to approve the waiver in part to February 29, 2020. Motion passed unanimously.

Petitions for Exemption from Mandate for Electronic Transmission of Prescriptions

1. Consent Agenda
 - a. Block 1

Motion by Dane Nealson, second by Ed McKenna, to approve block 1. Motion passed unanimously.

b. Block 2

Motion by Brett Barker, second by Dane Nealson, to approve block 2. Motion passed unanimously.

c. Block 3

Motion by Brett Barker, second by Dane Nealson, to approve the petition for Dr. Angela TeKippe, OD. Motion passed unanimously.

Motion by Brett Barker, second by Gayle Mayer, to approve the petition for Dr. Rachel Immen, MD. Motion passed unanimously.

Motion by Dane Nealson, second by Ed McKenna, to approve the remaining petitions in block 3. Motion passed unanimously.

2. Block A

a. Dr. Thomas Lower, DO

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

3. Block B

a. Pamela Weilitz, ARNP

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

4. Block C

a. Marion Dental PC

Motion by Joan Skogstrom, second by Dane Nealson, to deny the petition. Motion passed unanimously.

b. UnityPoint Transplant Center

Motion by Brett Barker, second, by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

c. Mason City Clinic

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

d. Genesis Occupational Health

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted. Jason Hansel abstained. Motion passed.

e. Select Specialty Hospital – Quad Cities

Motion by Joan Skogstrom, second by Dane Nealson, to approve the petition to June 30, 2020. Motion passed unanimously.

f. Select Specialty Hospital – Des Moines

Motion by Dane Nealson, second by Brett Barker, to approve the petition to January 31, 2020. Motion passed unanimously.

g. MercyOne Des Moines Pulmonary, Infectious Disease

h. MercyOne Des Moines Diabetes & Endocrinology

Motion by Brett Barker, second by Dane Nealson, to approve the petitions as submitted. Motion passed unanimously.

i. Putnam County Memorial Hospital & Rural Health Clinic

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

j. Central Iowa Dermatology

Motion by Brett Barker, second by Dane Nealson, to approve the petition for controlled substances only. Motion passed unanimously.

k. Mercy Hospice Des Moines

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

l. Dr. William Grask, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

- m. Dr. Ben Cannon, OD
- n. Dr. David Korver, OD
- o. Dr. Brittany Krause, OD
- p. Dr. Gerrie Lubben, OD
- q. Dr. Theresa McCartney, OD

Motion by Brett Barker, second by Dane Nealson, to approve the petitions as submitted.
Motion passed unanimously.

- r. Kidney Specialists PC

Motion by Brett Barker, second by LaDonna Gratias, to deny the petition. Motion passed unanimously.

- s. Dr. Randy Crampton, DPM

Petition was withdrawn.

- t. Des Moines Pediatric Dental Center

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted.
Motion passed unanimously.

5. Block D

- a. Medical Associates Clinic, PC

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

6. Block E

- a. Grandview University Student Health Clinic

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted.
Motion passed unanimously.

7. Block F

- a. Mercy Hospice – Johnston

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

- b. SW Iowa Mental Health Center

Motion by Dane Nealson, second by Brett Barker, to approve the petition for controlled substances only until August 31, 2020. Motion passed unanimously.

c. Associates in Kidney Care, PLC

Motion by Brett Barker, second by Dane Nealson, to approve the petition to July 1, 2020. Motion passed unanimously.

8. Block G

a. Mary Murphy, ARNP

Motion by Brett Barker, second by Ed McKenna, to deny the petition. Motion passed unanimously.

b. Dr. William Strunk, DDS

Motion by Brett Barker, second Dane Nealson, to approve the petition to May 6, 2020. Motion passed unanimously.

c. Dr. David Kresnicka, MD

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

9. Block H

a. Dr. William Boulden, MD

Motion by Ed McKenna, second by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

b. Dr. Gordon Weech, OD

Motion by Brett Barker, second by Dane Nealson, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

10. Block I

a. Weston Dental PC

Motion by Brett Barker, second by Dane Nealson, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

b. Bylsma-Mulder Family Dentistry

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

c. Lohr Family Dentistry

Motion by Dane Nealson, second by Gayle Mayer, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

d. Dr. Gary Strohmeier, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

e. Dr. Dan Wernimont, DDS

Motion by Brett Barker, second by Dane Nealson, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

f. Dr. Mary Ryan, DDS

Motion by Dane Nealson, second by Brett Barker, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

g. Dr. Anne Hennessey, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

h. Dr. Katy Clapham, DDS

i. Dr. Jamie Petrie, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

j. Dr. N. Joseph Stender, DDS

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

11. Block J

a. Steven Navarro, ARNP

Motion by Brett Barker, second by Dane Nealson, to deny the petitions. Motion passed unanimously.

12. Block K

a. Dental Connections, Inc.

Motion by Brett Barker, second by Dane Nealson, to approve the petition as submitted. Motion passed unanimously.

13. Block L

a. Dr. Todd Janus, MD

Motion by Brett Barker, second by Dane Nealson, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

b. Brandon Anderson, ARNP

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

c. Dr. Mark Strobe, MD

Petition withdrawn.

d. Melinda Allison, ARNP

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion passed unanimously.

e. Bonnie Seely, ARNP

Petition withdrawn.

f. Dr. Nancy Hammond, DDS

Motion by Brett Barker, second by Ed McKenna, to deny the petition. Motion passed unanimously.

g. Jeanine Bradley, ARNP

Motion by Brett Barker, second by Dane Nealson, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

h. Claire Nemmers, ARNP

Motion by Brett Barker, second by Gayle Mayer, to deny the petition. Motion passed unanimously.

i. Rachel Taves, ARNP

Motion by Gayle Mayer, second by Brett Barker, to deny the petition. Motion passed unanimously.

j. Dr. James Grabouski, DDS

Motion by Brett Barker, second by Dane Nealson, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

Reports & Informational Items

1. Executive Director's Report

A. Board Member Terms

- LaDonna Gratiyas' third and final term will be completed April 30, 2020.
- Gayle Mayer and Brett Barker will complete their first term on April 30, 2020.

B. Staffing

- The Department of Administrative Services (DAS) initially denied the request for a Human Resources (HR) position; however, the position is now being reconsidered. The position will report to the Department's Bureau of Policy and Workforce Services and will serve as the Board's primary point of contact for all human resources related matters.
- Director Funk has drafted the position description questionnaire (PDQ) for a deputy director position which will provide oversight to compliance staff. The paperwork will be submitted to IDPH in the very near future.

C. Licensing

- The renewal window for 3PLs will open February 1, 2020.
- 88% of all renewals processed since November 1, 2019, were submitted online (3,928 online renewals of all license/registration types)
- Total 4,448 renewal applications (all license/registration types) processed since November 1, 2019
- All renewals are available online. The next online new applications will be CSA-Individuals, followed by CSA-Businesses. Other online new applications will follow.
- Criminal background checks for new pharmacist applicants have been implemented.

2. Meetings and Travel

- A. The PMP Advisory Council meeting is scheduled for January 17, 2020, and will be held at the Board office.
- B. The Board of Pharmacy Rules Committee is scheduled for January 21, 2020, and will be held at the Board office

- C. The IDPH Healthcare Associated Infection & Antibiotic Resistance Team meeting is scheduled for January 28, 2020, and will be held in Des Moines
- D. IPA's Legislative Day is scheduled for January 29, 2020, and will be held in Des Moines.
- E. The University of Iowa Law Presentation is scheduled for February 6, 2020, and will be held in Iowa City.
- F. The IPA Expo is scheduled for February 7-9, 2020, and will be held in Des Moines.
- G. The next Board meeting is scheduled for February 25-26, 2020, and will be held at the Board office.
- H. The next IMP3 meeting is scheduled for March 11, 2020, and will be held at the Board office.

3. PMP Update

Mitchell Barnett provided a program update.

4. MedDrop Update

Jennifer Tiffany provided a program update.

5. IMP3 Report

Rebecca Carlson provided a program update.

6. Success Stories

Informational item.

1:00 Review Board's Strategic Plan

Cassandra Hall presented the Board's final Strategic Plan. Motion by Brett Barker, second by Gayle Mayer to approve the Board's Strategic Plan. Motion passed unanimously.

Rules and Legislation

1. Discussion and Vote to delegate authority to the Executive Director to speak on behalf of the Board regarding legislation impacting the practice of pharmacy and prescription drug distribution

Motion by Brett Barker, seconded by Dane Nealson, to delegate authority to the Executive Director to speak on behalf of the Board regarding legislation impacting the practice of pharmacy and prescription drug distribution. Motion passed unanimously.

2. Discussion and Vote to register (for/against/undecided) on specific legislation
 - a. IPA 2020 Legislative Bill

Motion by Brett Barker, seconded by Dane Nealson, to register in support of the Legislation. Motion passed unanimously.

3. Update on Legislation related to the Board, the Practice of Pharmacy, the PMP, and Controlled Substances.

Compliance Officer Sue Mears provided a legislative update.

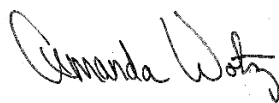
4. Proposed for Adoption and Filing to amend Chapter 10, "Controlled Substances," (ARC 4692C). Motion by Brett Barker, second by Dane Nealson, to adopt. Motion passed unanimously.

The amendments temporary place into Schedule I of the Iowa Uniform Controlled Substances Act six synthetic cathinones in response to scheduling action of the same nature by the U.S. Drug Enforcement Administration.

5. Proposed for Adoption and Filing to amend Chapter 6, "General Pharmacy Practice," Chapter 7, "Hospital Pharmacy Practice," Chapter 8, "Universal Practice Standards," and Chapter 18, "Centralized Prescription Filling and Processing," (ARC 4693C). Motion by Brett Barker, second by Ed McKenna, to adopt. Motion passed unanimously.

The amendments allow a pharmacist to fill a non-patient-specific prescription when the prescription is issued pursuant to Iowa Code section 139A.41 for the purpose of expedited partner therapy to treat a sexually transmitted chlamydia or gonorrhea infection in an unnamed partner or partners.

At 1:54 p.m., motion by Brett Barker, seconded by Dane Nealson, to adjourn. Motion passed unanimously.



Amanda Woltz, Administrative Assistant and Recording Secretary



Andrew Funk
Executive Director



Jason Hansel
Board Chair

PASSED THIS 26th DAY OF February, 2020